

KELSO CITY COUNCIL AGENDA

REGULAR MEETING at 7:00 p.m.

November 17, 2009

203 S Pacific

Kelso, WA 98626

**** Special accommodations for the handicapped are available by special arrangement through the City Manager's Office, (360) 577-3301.
For hearing impaired call (360) 423-0900.****

Invocation

- 1. Pastor Dave Grauer
Gloria Dei Lutheran Church**

Call to Order

Roll Call to Council Members

Approve Minutes

- 1. November 3, 2009
Regular Council Meeting**

KSD Student Representative

- 1. Joey Tagliarino
ASB President**

Proclamations

- 1. International Education Week
November 16-20, 2009**

Presentations

- 1. Council Appreciation Award**
- 2. Public Defender Presentation
Debra Burchett**

Citizen Business

Consent Items

- 1. Auditing of Accounts**

KELSO CITY COUNCIL AGENDA
REGULAR MEETING
November 17, 2009

Consent Items

2. **Liquor License Renewals**
3. **Consideration**
Water Treatment Chemical Purchase, Award Bids for Year 2010

Council Business

Motion Items

1. **Ordinance, 1st Reading**
Amending Section 8 of Ordinance No. 3117, Codified as KMC
8.04.090, Regarding Solid Waste Collection Services
2. **Ordinance, 1st Reading**
Budget Revision #2
3. **Ordinance, 2nd Reading**
Budget Revision #1
4. **Ordinance, 2nd Reading**
Setting 2010 Property Tax Levy Amount
5. **Ordinance, 2nd Reading**
Non-Exclusive FBO services at the Southwest Washington Regional
Airport
6. **Ordinance, 2nd Reading**
Amending Ordinance No. 3676, Regarding Park Hours and Rotary
Skate Park Rules

Other Items

- **City Manager Richards Report**
- **Staff/Department Head Reports**
- **Council Reports**
- **Other Business**
- **Executive Session**

KELSO CITY COUNCIL
7:00 P.M.

NOVEMBER 3, 2009
REGULAR MEETING

Pastor Hanna Peters, Kelso 1st Presbyterian Church, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Futcher. Councilmembers in attendance were: Futcher, Myers, Roberson, Karnofski, McDaniel, Malella, Von Rock.

Minutes: Upon motion by Councilmember Von Rock, seconded by Councilmember Roberson, 'Approve the minutes of the 10/20/09 Regular Meeting,' motion carried, all voting yes.

PRESENTATIONS:

Mental Health Court: Michael Evans, District Court Judge for Cowlitz County, and Eric Yakovich, CEO Cowlitz County Guide and Association gave a presentation of the new mental health court program. The goal is to provide a cost effective treatment program for people with severe and persistent mental illness that keep falling into the criminal court system. Judge Evans said that many of these people would not have committed a crime had they been under medical treatment. The program is on a voluntary basis for people who plead guilty to a misdemeanor or gross misdemeanor crimes. At this point, the program is going to be limited to ten individuals. Participants for the program will be selected by the treatment providers and the court officials. Funding for the program is provided by the Federal Government and the tentative start date is the end of January 2010.

West Main Re-Alignment: Tom Walsh, OTAK Project Manager, gave a power point presentation of the West Main Street Realignment Project. He presented three route alternatives with various street section designs and treatments. A cost estimate was given for each alternative. David Sypher will have his staff provide more information to help Council in making their decision of which route alternatives to pursue. A workshop will be arranged.

CITIZEN'S BUSINESS:

Dick Peters, 512 West Main, Charisma Productions, encouraged council to make a quick decision on the West Main Re-Alignment because his business and other businesses are holding off on capital improvements until the decision is made.

APPOINTMENTS:

With Council's consensus, Mayor Futcher appointed Larry Alexander to the Highlander Festival Committee.

COUNCIL BUSINESS:

MOTION ITEMS:

Resolution No. 09-1006 – Declaration of Substantial Need For The Purpose Of Setting The Limit Factor For the Property Tax Levy For 2010: The Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Von Rock, 'Approve Resolution 09-1006, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO MAKING DECLARATION OF SUBSTANTIAL NEED FOR PURPOSES OF SETTING THE LIMIT FACTOR FOR THE PROPERTY TAX LEVY FOR 2010. Motion carried, all voting yes.

Resolution No. 09-1007 – Authorizing An Increase In The Regular Property Tax Levy In Addition To Any Amount Resulting From New Construction, Etc: The Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Von Rock, 'Approve Resolution 09-1007, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO AUTHORIZING AN INCREASE IN THE REGULAR PROPERTY TAX LEVY IN ADDITION TO ANY AMOUNT RESULTING FROM NEW CONSTRUCTION AND IMPROVEMENTS TO PROPERTY, NEWLY CONSTRUCTED WIND TURBINES, AND ANY INCREASE IN THE VALUE OF STATE ASSESSED UTILITY PROPERTY. Motion carried, all voting yes.

Ordinance (1st Reading) – Setting the 2010 Property Tax Levy Amount: The Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Von Rock, 'Pass 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO FIXING THE ESTIMATED AMOUNT TO BE RAISED BY AD VALOREM TAXES AT \$1,309,655 FOR THE 2010 BUDGET OF THE CITY.' Motion carried, all voting yes.

Ordinance (1st Reading) – Non-Exclusive FBO services at the Southwest Washington Regional Airport: The Clerk read the proposed ordinance by title only. Upon motion by Councilmember Von Rock, seconded by Councilmember Roberson, 'Pass 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON, AMENDING ORDINANCE NO. 09-3715 FOR PURPOSES OF CERTAIN NON-EXCLUSIVE LEASES FOR GRANT ASSURANCE.' Discussion followed. Motion carried, all voting yes.

Ordinance (1st Reading) – Amending Ordinance No. 3676, Regarding Park Hours and Rotary Skate Park Rules: The Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Von Rock, 'Pass 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3676, CODIFIED AS SECTION 12.20.100 REGARDING PARK HOURS, AND ADDING A NEW SECTION ENTITLED "SKATE PARK RULES" TO BE CODIFIED AS SECTION 12.20.155.' Discussion followed.

Motion by Councilmember McDaniel, seconded by Councilmember Myers to amend the original motion by approving 'A BAN ON BICYCLES FROM THE SKATE PARK.' Councilmembers Karnofski, Myers, Roberson, Von Rock, McDaniel and Futchter voted yes. Councilmember Malella voted no. Motion passed 6 to 1.

Motion by Councilmember McDaniel, seconded by Councilmember Roberson to amend the original motion by removing the rule: 'NO SKATING WHEN WET.' Motion carried all voting yes.

Motion by Councilmember Malella, seconded by Councilmember Myers to amend the original motion by changing the Skate Park hours to: 'OPEN AT THE EARLIER OF 7:00 A.M. OR SUNRISE AND CLOSE AT THE EARLIER 9:00 P.M OR SUNSET. Councilmembers Myers, Roberson, Karnofski, Futchter, McDaniel and Von Rock voted no. Councilmember Malella voted yes. Motion failed 6 to 1.

Motion by Councilmember Roberson, seconded by Councilmember McDaniel to amend the original motion by changing the Skate Park hours to: 'OPEN AT 7:00 A.M AND CLOSE AT DUSK'. Councilmembers Roberson, Von Rock, Karnofski, and McDaniel voted yes. Councilmembers Malella, Myers and Futchter voted no. Motion passed 4 to 3.

Brenda Happy, 2308 Bloyd Street, spoke in favor of allowing bicycles to be used in the Skate Park. David Sypher said Grindline recommended that bicycles not be used in the Skate Park.

Brandon Gross, Longview, also, spoke in favor of allowing bicycles in the Skate Park. David Sypher will bring a Grindline report of the risks involved when bicycles are used in a Skate Park.

Jeff Nelson, Academy Street, spoke in concern for little kids on bikes, making it hazardous for themselves and larger riders.

Motion by Councilmember Malella, seconded by Councilmember Roberson to amend the previous amendment by removing: 'THE BAN OF BICYCLES IN THE SKATE PARK'. Discussion followed. David Sypher will bring a Grindline risk factor report to second reading. Motion carried, all voting yes.

Motion to approve the Ordinance on first reading with said amendments to the Skate Park Rules, carried, all voting yes.

Ordinance (1st Reading) -- Budget Revision #1: The Clerk read the proposed ordinance by title only. Upon motion by Councilmember Malella, seconded by Councilmember

McDaniel, 'Pass 1st Reading, 'AN ORDINANCE OF THE CITY OF KELSO AMENDING THE 2009 BUDGET TO REFLECT REVENUES AND APPROPRIATE FUNDS TO COVER EXPENDITURES OVER AND ABOVE THOSE ANTICIPATED AT THE TIME SAID BUDGET WAS ADOPTED.' Motion carried all voting yes.

MANAGER'S REPORT:

Dennis Richards: 1) The Ribbon cutting for the Skate Park is November 12, 2009 at 12:30 p.m. 2) There will be a Holiday Gift Basket Tree upstairs at City Hall for those interested in donating food items to two families for Thanksgiving. The families were selected by the School District.

STAFF REPORTS:

Janean Parker: No report.

David Sypher: 1) Gave his appreciation to the Rotary for providing two shade awnings for the Spray Park and with their help on the Skate Park. 2) Thanked Council for the extra effort of their input regarding the Skate Park Ordinance. 3) Fairway Vista has applied for a pre-application. 4) We have received a \$143,000 Grant for upgrading our softball field. 5) The Airport Master Plan is showing good progress.

Michael Kerins: Skeptical of Fairway Vista being that this is their third pre-application.

Cindy Donaldson: 1) Three Halloween parties were hosted at the Library last week and had over 150 kids. It was a very fun time. 2) Story Time will continue through the first week in December. 3) The Hornbeck family raised \$2,500 and purchased 248 educational DVDs for the Library. PBS donated 50 extra DVDs because they liked what the Hornbeck family did. 4) The next Book Discussion is set for January 4th, 2010 at 7:00 p.m. and the book is the '*Bone Setter's Daughter*'. There are books still available.

Andrew Hamilton: 1) We had five reserves helping out Halloween night which turned out to be fairly uneventful. 2) Over the last two nights, officers had to deal with two subjects under mental distress. This required a lot of the officer's time due to one needing transportation to Longview. We were part of the group that worked with Judge Evans on the Mental Health Program and look forward to working with them in the future. 3) Incident reports are over 11,000 which are keeping us very busy. 4) Officer Bebe McFall is heading the "Shop With A Cop" program where an officer goes shopping with children of low income families to help them buy Christmas gifts for themselves and members of their families. We are receiving a lot of public support for this worthwhile program. 5) We are proactively working with the Mall regarding holiday safety measures. 6) Officers will be attending an Emergency Vehicle and Operations Training.

Brian Butterfield: We will need to setup a Budget Workshop for the 2010 Budget. Council scheduled the workshop for 6:00 p.m. Nov. 17, 2009 before the next Regular Council Meeting.

COUNCIL REPORTS:

Todd McDaniel: 1) The CAP Foundation dinner raised about \$23,000 toward replacing the freight elevator at the CAP Warehouse. 2) The CTA Board will be voting on the proposals they have received for a new design model at their next meeting. 3) The set up with the CTA Board and the City of Longview will remain the same for now until the decision is made for the new design. 4) A new Transit Manager will be hired. The amount of riders increased by 10,000 now that there is no bus fee, which is very encouraging.

Rick Von Rock: No report.

Rick Roberson: KDRA is selling tickets for the "Rah Rah", which is a social event for downtown business people and citizens. The event will take place Monday, November 16, 2009 from 6:00 p.m. to 8:00 p.m. at the Back Stage Café.

Dan Myers: No report.

John Karnofski: No report.

Gerald Malella: The Train Station got WI FI today but it still needs work. A new Pepsi machine has been installed at the depot. We are still receiving a lot of compliments from train customers about the helpful volunteers. Dan Myers added that there will be a computer installed at the depot tomorrow.

David Fletcher: Thank you to the citizens for turning down Initiative 1033.

EXECUTIVE SESSION:

The Council convened into Executive Session at 9:12 p.m. to discuss a potential real estate sale. No action will be taken. At 9:23 p.m. the Council reconvened into Regular Session.

There being no further business, Mayor Fletcher adjourned the meeting at 9:23 p.m.

MAYOR

CITY CLERK

PROCLAMATION

International Education Week

November 16-20, 2009

Whereas, The U.S. Department of State joins with the U.S. Department of Education to mark the 10th Annual International Education Week and to emphasize the importance of international education and exchange in establishing mutual respect and understanding among people around the world; and

Whereas, the challenges of the 21st century cannot be addressed by government alone; and

Whereas, Our public-private partnerships with non-governmental organizations, businesses, educational institutions and communities are more important than ever to effective public diplomacy; and

Whereas, Educational institutions, primary and secondary schools, vocational schools, colleges and universities have always played a key role in opening minds and creating global awareness, and have traditionally been among the State Department's strongest partners in shaping the citizen diplomat; and

Whereas, Schools, universities, non-profit organizations, community groups and businesses around the world participate in International Education Week annually to celebrate the benefits of exchange; and

Whereas, During International Education Week, we have the opportunity to highlight for the citizens of other countries the value of experiencing an American education and American culture firsthand, and to demonstrate to American students the value of studying abroad and hosting international exchange students.

Now, Therefore, I, David Futch, Mayor, do hereby proclaim November 16-20, 2009, as

International Education Week

In Kelso, Washington, and encourage Americans and our friends around the world to become involved in this celebration.

*In witness whereof, I have hereunto
set my hand and caused the seal of
the City of Kelso to be affixed this
17th day of November, 2009*

David Futcher, Mayor

DEBRA BURCHETT, P.S.
Attorney at Law
2035 9th St.
Longview, WA 98632
(360) 425-2560 FAX (360) 425-1025

November 4, 2009

City of Kelso
203 S. Pacific
Kelso, WA 98626

Attention: City Council Members

Re: October 2008/October 2009 CRIMINAL CASES HANDLED BY PUBLIC DEFENDER

The following is an estimate of the amount of cases that have been handled by myself and office over the last 12 months. My annual report runs from October 2008 through October 2009.

ASSAULT 4-131
DWLS - 242
DWI - 35
THEFT 3 - 91
VIOLATION OF PROTECTION ORDER - 21
MALICIOUS MISCHIEF - 29
HIT & RUN - 18
POSSESSION OF MARIJUANA - 23
DRUG PARAPHERNALIA - 6
MINOR IN POSSESSION - 37
RECKLESS DRIVING - 13
DISORDERLY CONDUCT - 18
OBSTRUCTION- 19
CRIMINAL TRESPASS - 1
FALSE STATEMENT - 7
NO VALID OPERATORS LICENCE - 8
MISC- 21
SHOW CAUSE CASES Approximately - 150

Total 870
Mo. Contract \$6066.66
Amt. Earned per case \$83.66

Sincerely,

Debra L. Burchett
Kelso Public Defender, Attorney at Law

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Liquor License
Renewals

Agenda Item No: _____

Dept. of Origin: Finance

Date of Meeting: November 17, 2009

Originator: Brian Butterfield *BB*

PRESENTED BY: Brian Butterfield

City Attorney: _____

City Manager: _____

Agenda Item Attachments:

See attached request of Liquor License Renewals:

Plaza Jalisco	400 W Main
Quick Stop Market	807 S Pacific

SUMMARY STATEMENT:

Various departments have been requested to give their input. Comments will be available by the date of the City Council Meeting. The Finance Staff recommends this request be acted on by the City Council.

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 11/06/2009

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF KELSO
(BY ZIP CODE) FOR EXPIRATION DATE OF 20100228

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. TENALIGA, INC.	PLAZA JALISCO 400 W MAIN KELSO	080256	SPIRITS/BE/WIN REST SERVICE BAR
2. RAINBOW PACIFIC LLC	QUICK STOP MARKET 807 S PACIFIC KELSO	353848	GROCERY STORE - BEER/WINE

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Water Treatment Chemical Purchase
Award Bids for Year 2010

Agenda Item: _____

Dept. of Origin: Public Works Department

For Agenda of: November 17, 2009

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

Cost of Item: \$48,730.00

City Manager: Dennis Richards

AGENDA ITEM ATTACHMENTS:

Bid Tabulation Sheet

SUMMARY STATEMENT:

This is the twelfth year in which both Kelso and Longview have combined their quantities of Water Treatment Plant chemical bulk purchase to obtain favorable prices. Bids were opened on October 28, 2009 for the 2010 Water Treatment Chemical Purchase. Nine separate bids were received from chemical manufacturers and suppliers. The low bidders for the Water Treatment chemicals the City of Kelso requires are as follows.

CHEMICAL	SUPPLIER	2010 BID PRICE	2009 BID PRICE
Sodium Hydroxide	Jones Chemical	.71 / gallon	1.195 / gallon
Sodium Hypochlorite	Jones Chemical	.67 / gallon	.86 / gallon
Sodium Fluoride	Cascade Columbia	.84 / pound	.745 / pound
Alum	General Chemical Corp.	326 / ton	379.12 / ton

FINANCIAL SUMMARY:

The total estimated Water Treatment Chemical cost for Kelso is \$48,730.

RECOMMENDED ACTION:

Staff recommends council make a motion to award bids to the respective low bidders for Water Treatment chemicals purchased for the year 2010.

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City of Kelso
Water Treatment Plant

2009 thru 2014

Chemical Bid Prices 2009	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Jones Chemical	1-800-932-0160	Sodium Hydroxide			1.195	28,000	\$33,460.00
Hasa, Inc	1-360-5789300	Sodium Hypochlorite			0.86	23,000	\$19,780.00
General Chemical Corp	1-800-631-8050 Ext 1940	Alum	379.12			12	\$4,549.44
Cascade Columbia	1-877-625-5293	Fluoride		0.745		16,000	\$11,920.00
TOTAL							\$69,709.44

Chemical Bid Prices 2010	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Jones Chemical	1-800-932-0160	Sodium Hydroxide			0.71	28,000	\$19,880.00
Jones Chemical	1-800-932-0160	Sodium Hypochlorite			0.67	23,000	\$15,410.00
		Alum					\$0.00
Cascade Columbia	1-877-625-5293	Fluoride		0.84		16,000	\$13,440.00
TOTAL							\$48,730.00

Chemical Bid Prices 2011	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
		Sodium Hydroxide					\$0.00
		Sodium Hypochlorite					\$0.00
		Alum					\$0.00
		Fluoride					\$0.00
TOTAL							\$0.00

Chemical Bid Prices 2012	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
		Sodium Hydroxide					\$0.00
		Sodium Hypochlorite					\$0.00
		Alum					\$0.00
		Fluoride					\$0.00
TOTAL							\$0.00

Chemical Bid Prices 2013	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
		Sodium Hydroxide					\$0.00
		Sodium Hypochlorite					\$0.00
		Alum					\$0.00
		Fluoride					\$0.00
TOTAL							\$0.00

Chemical Bid Prices 2014	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
		Sodium Hydroxide					\$0.00
		Sodium Hypochlorite					\$0.00
		Alum					\$0.00
		Fluoride					\$0.00
TOTAL							\$0.00

City of Kelso
Water Treatment Plant

2003 thru 2008

Chemical Bid Prices 2003	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Pioneer Americas		Sodium Hydroxide			0.44	81,000	\$35,640.00
Jones Chemical		Sodium Hypochlorite			0.495	28,000	\$13,860.00
Rhodia		Alum	148.7			12	\$1,784.40
Cascade Columbia		Fluoride		0.5075		10,000	\$5,075.00
TOTAL							\$56,359.40

Chemical Bid Prices 2004	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Northstar Chemical		Sodium Hydroxide			0.4	40,000	\$16,000.00
Jones Chemical		Sodium Hypochlorite			0.475	30,000	\$14,250.00
Rhodia		Alum	145.33			12	\$1,743.96
Cascade Columbia		Fluoride		0.5045		16,500	\$8,324.25
TOTAL							\$40,318.21

Chemical Bid Prices 2005	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Pioneer Americas		Sodium Hydroxide			0.66	36,000	\$23,760.00
Pioneer Americas		Sodium Hypochlorite			0.79	30,000	\$23,700.00
Rhodia		Alum	164.95			12	\$1,979.40
Cascade Columbia		Fluoride		0.52		16,500	\$8,580.00
TOTAL							\$58,019.40

Chemical Bid Prices 2006	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Equapac / Equachlor	1-800-225-6422	Sodium Hydroxide			0.7939	28,000	\$22,229.20
Hasa, Inc	1-360-578-9300	Sodium Hypochlorite			0.79	23,000	\$18,170.00
General Chemical Corp	1-800-631-8050 Ext.1940	Alum	236.12			12	\$2,833.44
Cascade Columbia	1-877-625-5293	Fluoride		0.595		16,000	\$9,520.00
TOTAL							\$52,752.64

Chemical Bid Prices 2007	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Northstar Chemical	1-800-225-6422	Sodium Hydroxide			0.6	28,000	\$16,800.00
Hasa, Inc	1-360-578-9300	Sodium Hypochlorite			0.67	23,000	\$15,410.00
Cascade Columbia	1-877-625-5293	Alum					\$0.00
		Fluoride		0.61		16,000	\$9,760.00
TOTAL							\$41,970.00

Chemical Bid Prices 2008	Order Phone Number	Chemical	Price/Ton	Price/Pound	Price/gal	Quantity	Yearly Cost
Equachlor (Carla Taylor)	1-360-577-5580	Sodium Hydroxide			0.6784	28,000	\$18,995.20
Jones Chemical	1-800-932-0160	Sodium Hypochlorite			0.62	23,000	\$14,260.00
Cascade Columbia	1-877-625-5293	Alum					\$0.00
		Fluoride		0.695		16,000	\$11,120.00
TOTAL							\$44,375.20

Fax Page 1/2

**MEMORANDUM**

October 28, 2009

To: Cascade Columbia Distribution Co. General Chemical Corp. Jones Chemicals, Inc. Kemira Water Solutions Norihstar Chemicals, Inc. Olin Chlor Alkali Products Rhodia, Inc. EquaChlor, LLC Hasa, Inc. TRRWA City of Kelso	Jeff Zachman Christine Lasala Michelle Trammell Shelly Robinson Matthew Werger Kathleen Ellis Amy Schwartz Steve Johnson Mary Flynn Duane Leaf Paul Reebbs	Fax: 503-636-3249 973-515-4461 253-274-0733 785-842-2629 503-625-1478 209-835-9760 609-860-2223 360-636-4302 661-259-1538 360-577-2041 360-423-8196
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From: Robert J. Menzla, Utilities Engineer *RJM.***Subject:** 2010 Chemical Purchase; Bid Results

The City conducted a bid opening for the annual purchase of chemicals for 2010. The bid package included chemicals for both the City of Longview and the City of Kelso. A bid tabulation sheet is included for your information.

Although both Cities have not formally awarded the results to the respective low bidders, I will present my recommendations to make the awards to the City of Longview's Council at a regularly scheduled Council meeting soon. I am also providing this information to the Three Rivers Regional Wastewater Authority (TRRWA) and the City of Kelso for their respective actions.

I will be mailing out to the low bidders of chemicals for use at the Longview Water Treatment Plant, a resale certificate, as prescribed by the Washington State Department of Revenue. If you have any questions or comments, please call me at 360-442-5220.

Cc: Jeff Cameron, Public Works Director
Vic Richards, RWTP
Jacki Masters, Utility Systems Manager
Craig Bozarth, City Engineer

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October 27, 2009

City Conversion pg/cb

Chemical Purchase Annual Comparison / Longview

2009 Totals

2010 Totals

TABLE 1

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

1st Reading, Ordinance
Amending Section 8 of Ordinance No. 3117,
Codified as KMC 8.04.090, Regarding Solid Waste
Collection Services

Agenda Item: _____

Dept. of Origin: Engineering Department

For Agenda of: November 17, 2009

Cost of Item: _____

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

City Manager: Dennis Richards

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance

Proposed Draft Resolution (scheduled to be presented at the December 15, 2009 Council)

SUMMARY STATEMENT:

The City of Kelso has established continuous quality garbage service from Waste Control Equipment, Inc. since May 27, 1991 and has received excellent customer service at competitive prices. The current contract expires December 31, 2009 and a new contract was presented and approved at the October 6, 2009 Council Meeting and is effective as of January 1, 2010 for 1 ten (10) year term ending December 31, 2019.

The attached proposed ordinance and draft resolution provides necessary changes to KMC 8.04.090 reflecting rates to be charged by the City of Kelso for furnishing garbage service. Below is a review of information provided to City Council October 6, 2009.

"Staff has been in negotiations for Waste Control's service contract renewal since spring 2009. The new contract is very similar to the existing contract with a few notable changes:

- Rate increases as shown
- Added Section 12.06 Re: Diesel Fuel Surcharge
- Added Section 12.07 Re: Street Damage Reimbursement \$152,600.00 per year
- Recycle Drop Site Maintenance Section 1.18

Waste Control Equipment, Inc. shall furnish all personnel, labor, equipment, trucks, and all other items necessary to provide solid waste and recycling collection, removal and disposal services within the jurisdiction of the City of Kelso as specified in the contract.

There has only been a 6% increase cost in garbage service to the City in the last ten years. However, the citizens experienced no increase in rates. During that same period the consumer price index rose 37.7%.

In 1999, the City had negotiated a "flat rate" contract with only limited CPI growth, since then the Solid Waste Fund has accumulated over \$620,000.00 in rate Stabilization Reserves. This reserve balance has enabled us to

have zero rate increases to the public in ten years. This fund will also provide for limiting the future rate increase to 2% in 2010 and limit the following five years to be less than 3% each year plus CPI growth. Kelso's residential rates for ten years have been \$10.30/month. The 2010 increase is projected to raise the residential rate to \$10.51/month. In contrast Longview's current rate is \$15.45/month and is expected to rise in 2010. Approximately \$3.50/month per customer is attributed to Longview's curbside recycling costs. Kelso's Recycling Drop Station system costs approximately \$0.50/month.

The new contract also includes a charge for street damage. A total of \$152,600.00 will be paid by Waste Control to the Street Fund each year."

The current ordinance providing for setting of rates requires a house keeping update prior to adopting a new rate resolution. The update is shown in italics on pg. 4 Section 8.04.090.

FINANCIAL SUMMARY:

See above summary

RECOMMENDED ACTION:

Staff recommends council make a motion to pass the proposed Ordinance on first reading.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING
SECTION 8 OF ORDINANCE NO. 3117, CODIFIED AS KMC
8.04.090, REGARDING SOLID WASTE COLLECTION SERVICES.**

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS
FOLLOWS:

SECTION 1. That Section 8 of Ordinance No. 3117, codified as KMC 8.04.090,
is hereby amended to provide as follows:

**Chapter 8.04
SANITATION GENERALLY**

Sections:

- 8.04.010 Definitions.**
- 8.04.020 Administration and enforcement.**
- 8.04.030 Solid waste accumulation on premises unlawful.**
- 8.04.040 Container requirements—Responsibility of customers.**
- 8.04.045 Location and placement of garbage containers.**
- 8.04.050 Containers—New construction requirements—Screening.**
- 8.04.060 Unauthorized collection unlawful.**
- 8.04.070 Disposal at authorized collection site.**
- 8.04.080 Collection—Frequency—Procedure.**
- 8.04.090 Collection—Rates.**
- 8.04.095 Solid waste collection and disposal—Private contractor.**
- 8.04.100 Effective date of rates.**
- 8.04.110 Violation—Penalty.**

8.04.010 Definitions.

- A. "Dead animals" means and includes all dead animals or parts thereof exceeding ten pounds in weight, including condemned meats not intended to be used as food.
- B. "Garbage" means solid or semisolid waste subject to decay or putrefaction or in which flies or vermin can breed and live. The term also includes dead animals of a weight not to exceed ten pounds.
- C. "Refuse" means and includes solid waste, garbage, including but not limited to paper, clothing, grass, leaves, weed sweepings, ashes, wood sweepings, plaster, brick, cement, glass crockery, natural soil, shells, metals and metal products, tree trimmings, vines, tin cans, plastic and other synthetic or manmade materials.

D. "Solid waste" means and includes garbage, refuse, dead animals or any part or combination thereof.

8.04.020 Administration and enforcement.

It shall be the responsibility of the sanitation division of the public works department and such other departments, divisions or entities to supervise and carry out the provisions of this chapter within the city as may be required by contract between the city and any solid waste disposal company with which the city may contract.

8.04.030 Solid waste accumulation on premises unlawful.

It is unlawful for any person to allow solid waste to collect upon premises owned or occupied by them, or over which they exercise control, or upon any street, alley or other public place adjacent to such premises. This section shall not apply to any licensed solid waste disposal site, but shall apply to such licensed solid waste disposal site as it applies to streets, alleys or other public places adjacent to such premises.

8.04.040 Container requirements—Responsibility of customers.

A. All garbage shall be kept in approved clean water-tight containers which have been provided by the city or provided by solid waste disposal contractors with whom the city has a contract which are suitable for handling by garbage pickup equipment. Approved roll-off containers may be used in commercial areas with large volume of solid waste as determined by the sanitation division of the public works department.

B. It shall be the customer's responsibility to take such steps as are necessary to ensure to the greatest extent possible that containers are securely covered at all times when not in use.

8.04.045 Location and placement of garbage containers.

A. Multi-consumer garbage container service may at the city's discretion be provided to residential and commercial customers. Placement and location of each garbage container on pickup days shall be at the discretion of the sanitation division of the public works department, in consultation with the customer.

B. Each residential consumer will be provided by the city, or by the solid waste disposal contractor who has a contract with the city, with individual roll-out containers for curbside pickup service. Customers shall keep said containers on their premises and shall be responsible for placement at curbside on days scheduled for regular or special emptying.

C. Additional individual roll-out garbage containers may be issued at an additional charge. Garbage containers may be added or removed as needs change, in consultation with the customer, but at the discretion of the sanitation division of the public works department, or the solid waste disposal contractor with whom the city has a contract. Provided, however, the frequency of collection of compactors shall be determined by the sanitation division of the public works department in consultation with the customer.

8.04.050 Containers—New construction requirements—Screening.

All new commercial construction within the city which shall be required to use garbage receptacles shall provide permanent screening around the area where the receptacle(s) are anticipated to be placed so as to screen the area from public view or the view of adjacent property owners. Authorization to proceed shall be approved by the building inspector upon submission of a plan. No charge shall be made in connection therewith. Such screening shall thereafter be maintained in a sightly manner. The building inspector shall be authorized to exempt a person from this requirement where a determination is made that screening is not feasible.

8.04.060 Unauthorized collection unlawful.

It shall be unlawful for any person, firm, company or business except the sanitation division of the public works department of the city, or the contractor with whom the city has a solid waste disposal contract, or such other contractor as may be authorized by the city, to commercially remove, collect or transport solid waste or any other offensive or noxious substance collected within the corporate limits of the city over and upon the public streets of the city. Notwithstanding the definitions contained in Section 8.04.010, said restriction shall not apply to recyclable material solicited by nonprofit organizations or recyclable material which the generator elects to dispose of independent of the city's disposal service, in accordance with Chapter 431, Laws of 1989.

8.04.070 Disposal at authorized collection site.

All solid waste including but not limited to that defined in Section 8.04.010 of this chapter shall be disposed of at a licensed solid waste disposal site.

8.04.080 Collection—Frequency—Procedure.

A. The sanitation division of the public works department of the city or the contractor with whom the city has a solid waste contract shall collect solid waste from each occupied dwelling house at least once each week, from each restaurant, eating house, meat market or grocery store as needed pursuant to arrangements made with the sanitation division. A dwelling or operating business shall be deemed occupied unless the customer discontinues water service to the dwelling served. From all other places of business collection shall be as often as found necessary, but not less than once each week, except drop boxes and compactors of twenty yards capacity or larger may have their solid waste collected as needed pursuant to arrangements made with the sanitation division, as provided in Section 8.04.045(C), and the amount to be paid therefore shall be computed in accordance with the number of collections.

B. The sanitation division of the public works department shall have the authority to establish rules and regulations regarding the time of collection, the location of receptacles and other matters not inconsistent herewith.

8.04.090 Collection—Rates.

A. All occupied dwellings and operating places of business in the city shall pay for solid waste collection, whether or not the service is utilized.

~~B. The City Council shall determine the rates for garbage collection service and other related services at all places of residence and business by ordinance. The amount of such rates shall be sufficient to pay the cost thereof incurred by the city, which rates shall include the cost of administration, collection, recycling as required by city, state, county, or federal laws.~~

Pursuant to Kelso City Charter, the City Council hereby establishes the rates for solid waste collection services and other related services at all places of residence and businesses within the city, which rates shall include the cost of administration, collection, recycling, and disposal as required by applicable law.

C. Any person may secure a special pickup by calling the office of the sanitation division of the public works department or the office of the city's contractor for solid waste disposal, and requesting such pickup and paying a fee as determined by the sanitation division of the public works department, or by such contractor but, in no event, less than five dollars minimum.

D. It shall be mandatory that any occupied dwelling within the city receive garbage collection service.

E. Combined business/residential customers shall pay the appropriate commercial rate and shall be exempt from the residential rate.

8.04.095 Solid waste collection and disposal—Private contractor.

The city council may enter into contracts with private contractors for the collection, recycling and/or disposal of solid waste from all residents and businesses within the city with private contractors subject to such terms and conditions as shall be deemed by the city council to be in the best interest of the city. In the event of such contract, all duties and responsibilities theretofore performed by the city shall be performed, to the extent of any contracts with a private contractor, by such contractors. In the event of such contracts, the city shall establish the rates to be charged for such collection, recycling and/or disposal services, and shall collect the same and shall have all rights of enforcement of collection as provided by the laws of the state and the ordinances of the city.

8.04.100 Effective date of rates.

The rates and fees fixed by resolution of the city council shall become effective for each customer on such date specified in such resolution.

8.04.110 Violation—Penalty.

Violation of any of the provisions of this chapter shall constitute a civil infraction and upon appropriate finding the violator shall be assessed a civil penalty as established by the court, not to exceed five hundred dollars. Each day of violation shall constitute a separate and distinct infraction.

SECTION 2. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2009.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

RESOLUTION NO. _____

**A RESOLUTION FIXING THE RATES TO BE CHARGED BY
THE CITY OF KELSO FOR FURNISHING GARBAGE SERVICE,
EFFECTIVE JANUARY 1, 2010.**

BE IT RESOLVED that pursuant to Section 8.04.090(B) of the Kelso Municipal Code,
the rates to be charged for garbage collection service shall be as follows:

I. RESIDENTIAL

The rate for once-per-week collection for a single-family dwelling shall be ~~\$10.30~~ \$10.51 per month and an additional ~~\$10.30~~ \$10.51 per month for each additional container.

Any head-of-household who qualifies as a low-income senior citizen pursuant to RCW 74.38.070 may make application to the appropriate City officials and qualify for a single container rate of ~~\$5.40~~ \$5.51 per month, as provided by Ordinance No. 3049.

The rate for once-per-week collection for a two, three, four, or five-family dwelling unit shall be ~~\$10.30~~ \$10.51 per month times the respective number of units.

Multi-family dwellings with more than five dwelling units of which receive more than once-per-week collection shall be charged under the commercial rate schedule in Section II below.

Special service, (i.e., the picking up of the garbage container of any such dwelling at other than the point established pursuant to Section 8.04.050 of the Kelso Municipal Code).

<u>AMOUNT</u>	<u>SERVICE</u>	<u>DISTANCE FROM CURB TO ALLEY</u>
\$ 0.05/ft per trip	1 roll out container	Measured from City's designated placement location to customer's requested pick-up location

(Add an additional \$0.05 per foot per trip for each additional container. In the event the distance is 25 feet or less, the charge shall be ~~\$1.00~~ \$1.02 per trip).

Where no adult occupants of the dwelling are physically capable of moving the containers to the designated location, this charge shall be waived, if approved by the Solid Waste Division of the Public Works Department and the City's Contract.

II. COMMERCIAL

Commercial shall include other types of occupancies, including other multi-family dwellings, places of business, industrial establishments and institutional and public buildings, and may be charged the following monthly rates:

CONTAINER SIZE

NUMBER OF COLLECTIONS PER WEEK

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
60 GALLON	43.50 13.77	27.00 27.54	40.50 41.31	54.00 55.08	67.50 68.85	82.00 83.64
90 GALLON	45.10 15.40	30.20 30.80	45.30 46.21	60.40 61.61	75.50 77.01	90.60 92.41
350 GALLON	47.70 48.65	95.40 97.31	143.10 145.96	190.80 194.62	238.50 243.27	286.20 291.92

The total monthly charge shall be the above rates multiplied by the number of containers collected.

The minimum charge for a multi-family dwelling with once-per-week collection shall be \$44.60 \$45.62 per month.

III. SPECIAL CONTAINER SERVICE (Including Additional Containers)

Charges shall be as determined by Solid Waste Division of the Public Works Department. Charges are subject to review by the Director of Public Works as may be required. Generally, such rates shall include a service fee plus the landfill charge and a 22% administrative fee.

BE IT FURTHER RESOLVED that the rates established herein shall take effect for service on the customer's first billing cycle after January 1, 2010.

ADOPTED by the City Council and SIGNED by the Mayor this ____ day of

____, 2009

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA SUMMARY SHEET

AGENDA ITEM: Ordinance 1st reading.
Budget revision #2.

AGENDA ITEM # _____
FOR AGENDA OF: 11/17/2009
ORIGINATING DEPT: Finance
DATE SUBMITTED: 11/10/2009
COST OF ITEM: _____
AMT. BUDGETED _____
CITY ATTY. APPROVAL _____
CITY MGR. APPROVAL _____

SUBMITTED BY: Brian Butterfield

AGENDA ITEM PAPERWORK:

SUMMARY STATEMENT/DEPT. RECOMMENDATION:

Due to unforeseen circumstances certain expenditures are coming in higher than originally anticipated.

Revisions in the General Fund include the following:

- \$24,000 Increase for the Municipal Court Services for 2009.
- \$86,700 For various police expenditures funded by grants.
- \$50,000 decrease in transfers to the street fund for 2009 overlay project.
- \$95,000 increase for transfers to the park fund to cover revenue shortfalls and increased cost of Sk:

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING THE
2009 BUDGET TO REFLECT REVENUES AND APPROPRIATE FUNDS
TO COVER EXPENDITURES OVER AND ABOVE THOSE
ANTICIPATED AT THE TIME SAID BUDGET WAS ADOPTED.**

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That by reason of the inability of the City and its officials to foresee and compute with accuracy the actual revenue and necessary expenditures of public funds for the current expenses of the City, it is deemed necessary to make the following amendment to the budget by increasing the following line items by the amounts set forth below for the 2009 Budget, to-wit:

GENERAL FUND

Revenues

001-00-308-00-00	Beginning Fund Balance	\$ 71,500.00
001-00-333-00-00	Misc. Federal Grants	<u>\$ 86,700.00</u>
		\$ 158,200.00

Expenditures

001-01-511-60-10-1	Salaries	\$ 2,500.00
001-02-512-50-49-0	Municipal Court Services	\$ 24,000.00
001-06-521-20-13-0	Police Overtime	\$ 34,000.00
001-06-521-20-35-0	Tools and Equipment	\$ 27,000.00
001-06-521-40-43-0	Law Enforcement Training	\$ 5,700.00
001-06-521-90-49-0	Contractual	\$ 20,000.00

001-09-597-00-00-1	Transfer to Park Fund	\$ 95,000.00
001-09-597-00-00-7	Transfer to Arterial Street Fund	\$ <u>(50,000.00)</u>
		\$ 158,200.00

STADIUM FUND

Revenues

106-20-308-00-00	Beginning Fund Balance	\$ 14,000.00
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Expenditures

106-20-573-90-49-2	NWAACC Basketball	\$ 1,500.00
106-20-575-90-27-0	Feasibility Study	\$ 12,500.00

PARK FUND

Revenues

108-21-308-00-00	Beginning Fund Balance	\$ (60,000.00)
108-21-367-00-00	Donations	\$ (10,000.00)
108-21-397-00-00	Transfer from General Fund	\$ 95,000.00

Expenditures

108-21-594-07-10-0	Skate Park	\$ 25,000.00
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SECTION 2. It is hereby ordered that the aforesaid sum be and the same is hereby appropriated in excess of the budget of the City of Kelso for 2009 and further that said budget be and the same is hereby amended accordingly.

SECTION 3. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2009.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____

AGENDA SUMMARY SHEET

AGENDA ITEM: Ordinance 2nd reading.

Budget revision #1.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____

FOR AGENDA OF: 11/17/2009

ORIGINATING DEPT: Finance

DATE SUBMITTED: 11/10/2009

COST OF ITEM: _____

AMT. BUDGETED _____

CITY ATTY. APPROVAL _____

CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:

SUMMARY STATEMENT/DEPT. RECOMMENDATION:

Due to unforeseen circumstances the repairs and maintenance expenditures in the Kelso Station Fund are higher than originally anticipated. This was caused by roof repairs made earlier this year. These repairs will be funded out of General Fund reserves.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING THE
2009 BUDGET TO REFLECT REVENUES AND APPROPRIATE FUNDS
TO COVER EXPENDITURES OVER AND ABOVE THOSE
ANTICIPATED AT THE TIME SAID BUDGET WAS ADOPTED.**

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That by reason of the inability of the City and its officials to foresee and compute with accuracy the actual revenue and necessary expenditures of public funds for the current expenses of the City, it is deemed necessary to make the following amendment to the budget by increasing the following line items by the amounts set forth below for the 2009 Budget, to-wit:

GENERAL FUND

Revenues

001-00-308-00-00	Beginning Fund Balance	\$ 15,000.00
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Expenditures

001-09-597-00-00-6	Transfer to Fund 105	\$ 15,000.00
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KELSO STATION FUND

Revenues

105-15-397-00-00	Transfer From Fund 001	\$ 15,000.00
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Expenditures

105-15-547-60-48-0	Repair and Maintenance	\$ 15,000.00
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SECTION 2. It is hereby ordered that the aforesaid sum be and the same is hereby appropriated in excess of the budget of the City of Kelso for 2009 and further that said budget be and the same is hereby amended accordingly.

SECTION 3. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2009.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

AGENDA ITEM: An ordinance setting
the 2010 property tax levy amount.
Second reading.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM # _____
FOR AGENDA OF: 11/17/09
ORIGINATING DEPT: Finance
DATE SUBMITTED: 11/10/09
COST OF ITEM: _____
AMT. BUDGETED _____
CITY ATTY. APPROVAL _____
CITY MGR. APPROVAL _____

AGENDA ITEM PAPERWORK:

SUMMARY STATEMENT/DEPT. RECOMMENDATION:
The levy amount for the 2010 General Levy is \$1,309,655.
This represents a dollar increase of \$23,944 over the
2009 General Levy. The increase is made up of two
components:

1) New Construction:	\$11,087
2) 1.00% increase over highest lawful levy:	<u>\$12,857</u>
Total Increase	<u>\$23,944</u>

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ORDINANCE NO. _____
AN ORDINANCE OF THE CITY OF KELSO FIXING THE
ESTIMATED AMOUNT TO BE RAISED BY AD VALOREM TAXES AT
\$1,309,655 FOR THE 2010 BUDGET OF THE CITY.

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. The estimated dollar amount to be raised upon real and personal property in Cowlitz County, Washington, to raise said dollar amount to cover the estimated budget needs of the City of Kelso for calendar year 2010 are as follows:

DOLLAR AMOUNT

General Levy \$1,309,655 or maximum allowed by law

SECTION 2. This Ordinance shall be in full force and effect five (5) days from and after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2009.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

2nd Reading, Ordinance – Non-Exclusive FBO
services at the Southwest Washington Regional
Airport

Agenda Item: _____

Dept. of Origin: Public Works – Engineering

For Agenda of: November 17, 2009

Cost of Item: N/A

City Manager: Dennis Richards

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance

SUMMARY STATEMENT:

Public Works recently amended KMC 13.12.620 which was presented and passed on second reading at the September 15, 2009 council meeting. However, FAA requires non-exclusive FBO agreements as a grant assurance. Attached is the amended ordinance in alignment with the FAA grant assurance.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends a council motion to pass the 2nd reading of the amended Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON,
AMENDING ORDINANCE NO. 09-3715 FOR PURPOSES OF CERTAIN
NON-EXCLUSIVE LEASES FOR GRANT ASSURANCE

WHEREAS, the City finds that it is *required as a grant assurance to use in the public interest to grant an non-exclusive FBO ground lease agreements at the Kelso Municipal Airport under certain limited circumstances for the protection of the public health and safety*; AND

WHEREAS, the city may have other public purposes of service or benefit; AND

WHEREAS, the city will observe all aspects of required competitive bid law;
THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS
FOLLOWS:

SECTION 1. Section 13.12.620 of the Kelso Municipal Code is hereby amended as follows:

13.12.620 Lease nonexclusive.

~~Unless expressly understood and agreed in writing that the rights granted thereunder are exclusive, the lessor reserves the right to grant similar privileges to another operator or operators on other parts of the airport when, in its sole discretion, the authority feels a need exists. The City may grant an exclusive lease upon the following conditions: (1) the lease must be for public purpose and benefit or protection of public health and safety as determined in the sole discretion of the City and; (2) the award of such a lease shall be subject to the City's public bid regulations.~~

Notwithstanding anything contained in a lease that may be or appear to the contrary, it is expressly understood and agreed that the rights granted thereunder are non-exclusive and the lessor reserves the right to grant similar privileges to another operator or operators on other parts of the airport when, in its sole discretion, the authority feels a need exists.

SECTION 2. Effective Date. This Ordinance shall be effective 5 days after publication.

SECTION 3. Severability. If any section of this ~~Ordinance~~ Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction then such declaration shall not affect the validity of the remaining portions of the ordinance.

ADOPTED by the City Council and SIGNED by the Mayor this ____ day of _____, 2009.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

AGENDA SUMMARY SHEET

Business of the City Council

City of Kelso, Washington

SUBJECT TITLE:

2nd Reading, Ordinance
Amending Ordinance No. 3676, Regarding Park
Hours and Rotary Skate Park Rules

Agenda Item: _____

Dept. of Origin: Public Works - Engineering

For Agenda of: November 17, 2009

Cost of Item: N/A

PRESENTED BY:

David M. Sypher, P.E.
Public Works Director

City Manager: Dennis Richards

AGENDA ITEM ATTACHMENTS:

Proposed Ordinance
Memo – Bicycle use on the Skate Park dated 11/6/09

SUMMARY STATEMENT:

The City of Kelso Public Works Department is near completion on the Rotary Skate Park and desires to enact specific rules for the use of the park to alleviate liability issues for the City. The attached proposed Ordinance is amending Ordinance No. 3676 and reflects changes made to Section 12.20.100 regarding regulated hours for all city parks and adding a new Section entitled "Skate Park Rules" to be codified as Section 12.20.155. Both of these revisions have been consolidated to read under KMC Chapter 12.20 Parks. Revisions made are shown in italics.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends council make a motion passing the Ordinance on the 2nd reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AMENDING ORDINANCE NO. 3676, CODIFIED AS SECTION 12.20.100 REGARDING PARK HOURS, AND ADDING A NEW SECTION ENTITLED "SKATE PARK RULES" TO BE CODIFIED AS SECTION 12.20.155.

WHEREAS, the City has recently completed a Skate Park at Kelso Rotary Park for its citizens to use and enjoy; and

WHEREAS, the City desires to enact rules for the use of said skate park; and

WHEREAS, the City further needs to amend Section 12.20.100 regulating the hours city parks are open, now, therefore,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That Ordinance No. 3676, codified as Section 12.20.100 is hereby amended and a new section entitled "Skate Park Rules", to be codified as KMC 12.20.155, is hereby added as follows:

Chapter 12.20
PARKS

Sections:

- 12.20.010 Title.
- 12.20.020 Constitutionality.
- 12.20.030 Definitions.
- 12.20.040 Agreements with nonprofit groups for ballfield use.
- 12.20.050 Camping.
- 12.20.060 Concessions.
- 12.20.070 Destruction of park property.
- 12.20.080 Dogs.
- 12.20.090 Fires.

12.20.100 Hours.
12.20.110 Interference with city employees.
12.20.120 Intoxicating liquor.
12.20.130 Littering.
12.20.140 Racing.
12.20.150 Signs.
12.20.155 *Skate Park Rules.*
12.20.160 Solicitation.
12.20.170 Sports.
12.20.180 Watercraft.
12.20.190 Weapons and fireworks.
12.20.200 Vehicle operation.
12.20.210 Violation—Penalty.
12.20.220 Violation—Prosecution.

12.20.010 Title.

This chapter shall constitute the park code of the city and is declared to be an exercise of the police power of the city and to be necessary for the public peace, health, safety and welfare.

12.20.020 Constitutionality.

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

12.20.030 Definitions.

A. The terms used in this chapter, unless inconsistent with the context of this chapter, shall be construed as follows:

1. "Board" means the park board of the city.
2. "Director" means the director of public works.
3. "Park" means and includes all city parks, public squares, bathing beaches, bicycle paths and play and recreation grounds under the jurisdiction of the city and includes all city ballfields and all city leased or rented school or private property when the same are being used for recreation.
4. "Superintendent" means the superintendent of parks and recreation or his designee.

B. Unless inconsistent with the context of this chapter, the present, past or future tenses shall be construed to be interchangeable and words in the singular number shall be construed to include the plural.

12.20.040 Agreements with nonprofit groups for ballfield use.

The city council may from time to time authorize the director to enter into an agreement or agreements on behalf of the city, the agreements not to exceed one year in duration, with any nonprofit group, organization or association to provide for the use of park ballfields or other similar facilities for organized or league sports, by such nonprofit group, organization or association. Such agreements shall specify the conditions under which such group, organization

or association may use ballfields or facilities in organized or league activities and in connection therewith may include special provisions and regulations by which such nonprofit group, organization or association may post signs advertising league sponsors or supporters, may use loudspeakers in connection with and during league activities, may sell refreshments or operate concession stands in connection with and during league activities, and may add fill material to ballfields for use in wet weather. Such agreements may authorize such nonprofit group, organization or association to charge reasonable admission fees to league games or activities. Nothing in this chapter shall be construed to prevent any such agreement or agreements.

12.20.050 Camping.

It is unlawful to camp or remain overnight in any park except at places and at such times which may be set aside for such purposes by the director.

12.20.060 Concessions.

Except as provided in this chapter, it is unlawful to sell refreshments or merchandise or offer for sale refreshments or merchandise in any park without the written permission of the director or a concession contract with the city.

12.20.070 Destruction of park property.

It is unlawful to willfully destroy, mutilate or deface any structure, monument, statue, fountain, wall, fence, railing, vehicle, bench, shrub, tree, lawn or grass, plant, flower, lighting system or sprinkling system or other property lawfully in any park or ballfield. No foreign matter, such as sawdust or sand, may be added to any field in order to use the field in wet weather without the consent of the superintendent.

12.20.080 Dogs.

It is unlawful to suffer or permit any dog to run at large in any park or to enter any lake, pond, fountain or stream therein. For the purposes of this section, dogs must be on a leash or tether and under control of a responsible person while in any park.

12.20.090 Fires.

It is unlawful to build any fire in any park except in an area designated and so posted by the director.

12.20.100 Hours.

All city parks shall be open from 6:00 a.m. to dusk, except the Skate Park which shall be open from 7:00 a.m. to dusk. It is unlawful to enter or be in any park between ~~dusk~~ *the hours of 12:00 midnight and 6:00 a.m. of any day, except when any park is opened between such hours by the director for a special occasion; provided, this section shall not prohibit persons from simply passing through any park.*

12.20.110 Interference with city employees.

It is unlawful for any person to interfere with or in any manner hinder any employee or agent of the city while performing their official duties.

12.20.120 Intoxicating liquor.

It is unlawful to consume in any park any whiskey, wine, beer or other intoxicating liquor except as may be permitted under a license or permit issued by the State Liquor Control Board and authorized by the city council.

12.20.130 Littering.

It is unlawful to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any such material therein except in designated receptacles.

12.20.140 Racing.

It is unlawful to engage in, conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal in any park.

12.20.150 Signs.

It is unlawful to place or erect any sign board, sign, billboard or device of any kind for advertising in any park without the prior consent of the park board. It is unlawful to post any other sign, decoration or erect any structure in any park without the prior consent of the park board.

12.20.155 Skate Park Rules.

- 1. This facility is used by both experienced and inexperienced skaters. Serious injury or death may result from being hit by a skateboard, falling or colliding. The City of Kelso does not assume responsibility for injuries. SKATE AT YOUR OWN RISK! This skate park is NOT supervised.*
- 2. The use of protective equipment, including helmets, knee and elbow pads, and wrist guards is strongly recommended.*
- 3. Do not litter.*
- 4. Alcohol, tobacco products, and illegal substances are prohibited.*
- 5. Glass containers are prohibited.*
- 6. Modifications to skate park structures are prohibited.*
- 7. Addition of any obstacles or other structures is prohibited.*
- 8. Motorized vehicles are prohibited*
- 9. Spectators in the skating area are prohibited.*
- 10. Skating in parking area or areas outside the skating area is prohibited.*

Officials of the City of Kelso shall have the authority to eject from the park any person engaging in unlawful behavior on park property, and may further eject any person from returning to the park for a period of seven days. Any person in violation of a trespass order shall be guilty of criminal trespass in the second degree, subject to Kelso Municipal Code 12.20.

*In case of an emergency – call 9-1-1.
For maintenance issues – call (360) 577-7119.*

12.20.160 Solicitation.

It is unlawful for any person to act as a peddler or solicitor, or sell or offer for sale any merchandise or service, or to seek or solicit donations or operate or use any loudspeakers in any park without a written permit issued by the city.

12.20.170 Sports.

It is unlawful to practice or play golf, baseball, softball, football, archery, soccer, hockey, tennis, badminton or other games of like character or to hurl or propel any airborne or other missile in such a manner as to interfere with other park users, except in those areas designated for such usage by the director.

12.20.180 Watercraft.

It is unlawful to have, keep or operate any boat, float, raft or other watercraft in or upon any slough, river or creek within the limits of any park, or to land the same at any point upon the shores thereof bordering upon any park, except at places set apart for such purposes by the board and so designated by signs and except in a case of an emergency.

12.20.190 Weapons and fireworks.

Firearms, fireworks, bows, arrows, air rifles, BB guns, pellet guns and slingshots are prohibited in any park. It is unlawful to shoot, fire or explode any firearms, fireworks, firecracker, torpedo or explosive of any kind or to carry any firearms or shoot or fire any air gun, BB gun, pellet gun, bow and arrows, or use any slingshot in any park; provided, the proper authorities, with the consent of the director of parks, may issue permits for use of safe and sane fireworks in specified areas where fire hazards will not be increased and where the use of the fireworks will be under proper supervision and fireworks displays may be permitted upon securing of a proper permit pursuant to state law and other city ordinances; provided further, this section shall not prevent establishment in any park of a properly designated archery range or course.

12.20.200 Vehicle operation.

It is unlawful to ride or drive any bicycle, motor vehicle, horse or pony over or through any park except along and upon the park drives, parkways, park boulevards and/or appropriately marked paths; or at a speed in excess of fifteen miles per hour, or to stand or park any vehicle except in areas designated and posted by the director. Any car parked in an area not designated by the director for parking, or otherwise parked in violation of this chapter or in such a way as to obstruct traffic, or any car which is apparently abandoned in any park, may be summarily removed and impounded upon order of the director.

12.20.210 Violation—Penalty.

Violation of or failure to comply with the provisions of this chapter shall constitute a misdemeanor and be punished as provided in the ordinances of the city.

12.20.220 Violation—Prosecution.

Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

SECTION 2. This Ordinance shall be in full force and effect five days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2009.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

INTEROFFICE MEMORANDUM

TO: DAVID SYPHER
FROM: MICHAEL KARDAS
SUBJECT: BICYCLE USE ON THE SKATEPARK
DATE: 11/6/2009
CC:

I discussed the question of bicycle use at the skate park with Bryan Cole of MacKay & Sposito. He is the project manager for the design. He confirmed that Grindline designed the park primarily for use by skateboarders. They acknowledge that bicycles may use the park and made some design allowances in terms of durability, more steel coping, etc. Bicycles can cause more damage particularly when they are dropped or released during a failed trick. The pool coping tiles are particularly vulnerable to damage from bicycle cranks (pedals and sprockets) and the steel pegs present on many BMX style bikes. The other concern expressed regarding bicycles is safety. Bicycles and skaters travel at different speeds and occupy more space. This can lead to conflicts in use, particularly if there is no supervision.

I have done some brief Internet research on the subject and the results are mixed. Some parks allow bikes and some do not. One park in Mammoth, CA recently has closed their park to bicycles. The reasons for limiting bicycles are and have been based on damage and safety concerns.

